

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**AT BECKLEY**

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 5:13-cr-00172-1

DELBERT LESTER,

**MEMORANDUM OPINION AND ORDER**

Pending is Defendant Delbert Lester's *pro se* Motion for Early Termination of Supervised Release Pursuant to 18 U.S.C. § 3564,<sup>1</sup> filed July 16, 2021. [Doc. 51]. The United States does not oppose the Motion. [Doc. 54].

**I.**

On December 4, 2013, following his guilty plea to possession with intent to distribute oxycodone, Mr. Lester was sentenced to eighty-four months imprisonment, followed by a three-year term of supervised release. [Doc. 39]. Mr. Lester began serving his term of supervision on June 21, 2019. Mr. Lester now moves for early termination of his supervised release inasmuch as he has completed over one year of his term without incident and continues to strictly adhere to the conditions imposed.

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<sup>1</sup> Title 18 U.S.C. § 3564 applies to terms of probation as opposed to supervised release. The Court will thus construe Mr. Lester's Motion as one brought pursuant to 18 U.S.C. § 3583(e)(1).

Mr. Lester's Probation Officer notes that Mr. Lester has (1) paid his special assessment, (2) incurred no new criminal charges, and (3) been cooperative and maintained a positive attitude. He was also transferred to the low intensity supervision caseload given his consistent compliance. The Probation Officer thus reports that Mr. Lester meets the criteria established by the Administrative Office of the United States Courts for early termination of supervised release. As noted, the United States does not oppose Mr. Lester's Motion. [Doc. 54].

## II.

Pursuant to 18 U.S.C. § 3583(e), a court may, after consideration of the applicable Section 3553(a) factors, "terminate a term of supervised release and discharge the defendant at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1); *see also United States v. Pregent*, 190 F.3d 279, 283 (4th Cir. 1999).

After careful consideration of the applicable Section 3553(a) factors and the information provided by Mr. Lester's Probation Officer, the Court concludes that early termination of Mr. Lester's supervised release is warranted. Mr. Lester has completed approximately two years of his supervised release term without incident and has demonstrated his dedication to maintaining a law-abiding lifestyle. The Court **FINDS** that Mr. Lester's conduct and the interests of justice support early termination of his supervised release.

## III.

Accordingly, the Court **GRANTS** Mr. Lester's Motion [Doc. 51] and **TERMINATES** Mr. Lester's supervised release term.

The Clerk is directed to send a copy of this written opinion and order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTERED: August 3, 2021



*Frank W. Volk*  
Frank W. Volk  
United States District Judge